

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IDAHO RIVERS UNITED, WASHINGTON	)	
WILDLIFE FEDERATION; PACIFIC COAST	)	No. 2:14-cv-01800-JLR
FEDERATION OF FISHERMEN'S	)	
ASSOCIATIONS; INSTITUTE FOR	)	
FISHERIES RESOURCES; SIERRA CLUB;	)	[PROPOSED] ORDER GRANTING
FRIENDS OF THE CLEARWATER,	)	PLAINTIFFS' MOTION FOR
	)	PRELIMINARY INJUNCTION
and	)	
	)	
NEZ PERCE TRIBE,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
UNITED STATES ARMY CORPS OF	)	
ENGINEERS,	)	
	)	
Defendant.	)	

This matter comes before the Court on Plaintiffs' Motion for Preliminary Injunction. Having reviewed the parties' briefs, exhibits, and the declarations in this case, the Court hereby **GRANTS** the motion for preliminary injunction as follows:

1. The Court finds that Plaintiffs are likely to prevail on the merits of their claim that

1 Defendant U.S. Army Corps of Engineers' ("Corps") Environmental Impact Statement ("EIS")  
2 for the Programmatic Sediment Management Plan ("PSMP") and accompanying Records of  
3 Decision ("RODs") are arbitrary, capricious, and not in accordance with law, and that the Corps  
4 is in violation of the National Environmental Policy Act ("NEPA"), the Clean Water Act  
5 ("CWA"), and the Administrative Procedure Act ("APA");

6 2. The Court further finds that in the absence of an injunction Plaintiffs are likely to  
7 suffer irreparable harm from the Corps' planned dredging action;

8 3. THEREFORE, the Court hereby **PRELIMINARILY ENJOINS** the Corps as  
9 follows:

10 a. The Corps is enjoined from carrying out the planned "immediate need"  
11 dredging action described in the EIS until this case is resolved on the merits;

12 b. The Corps is enjoined from otherwise implementing the PSMP until this  
13 case is resolved on the merits;

14 c. Plaintiffs and the Corps are directed to submit, within thirty (30) days of this  
15 Order, a proposed schedule for any additional discovery, dispositive motions, and final  
16 disposition of this case.

17 IT IS SO ORDERED

18 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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21 \_\_\_\_\_  
THE HONORABLE JAMES L. ROBART  
United States District Judge  
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Presented by:

s/ Stephen D. Mashuda

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